

### REMARKS

Claims 1-14 stand rejected.

Claims 1-3, 8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plischke et al. USPN 5,977,014 in view of Young et al. USPN 5,217,445. Applicants respectfully traverse.

Claim 1 recites that the present invention comprises a sanitary absorbent article comprising, inter alia, an absorbing core having an upper part and a lower part, said core being formed from an absorption sheet and a superabsorbent material adhered to an inner surface of the sheet, said sheet consisting essentially of a wet laid paper and comprising two opposite longitudinal sides, each said longitudinal side having been bent onto the inner surface.

(Emphasis Added). It is submitted that cited references do not disclose, either singularly, or in combination such a structure. Moreover, it is submitted that even if the teachings of references were combined in the manner suggest by the Examiner in the Office Action, it would still fail to disclose the claimed invention.

The Plischke et al reference teaches an absorbent core that can be formed from a variety of materials. However, none of the disclosed materials include a wet laid paper. The Patent Office has cited column 26, lines 55 to 57 alleging that this portion of Plischke teaches forming the core from a wet laid paper. This position is incorrect. A careful reading of the cited portion of Plischke indicates that “the sanitary napkin can comprise a wet laid tissue superimposed on the core. (Emphasis Added). Thus, the core is not formed from a wet laid paper where the longitudinal edges are bent in the manner claimed, *rather a wet laid tissue is merely superimposed on the core*. In view of the foregoing, Applicants respectfully submit that the cited reference does not anticipate the present claimed invention.

The Young et al. reference discloses a *diaper* including having including a acquisition/distribution layer 110 **and** an storage layer 108. The Examiner appears to contend in the Office Action that Young et al. discloses or suggests that a wet laid tissue may be used as the core in the manner claimed. However, a close reading of the reference reveals that Young et al. teaches that the *acquisition/distribution layer* 110 may be made from a wet laid material.

However, Young et al. fails to suggest in any absorbent article that includes a *core* as recited in the claimed invention, i.e. “an absorbing core having an upper part and a lower part, said core being *formed from an absorption sheet* and a superabsorbent material adhered to an inner surface of the sheet, said sheet *consisting essentially of a wet laid paper*”.

In the Office Action dated July 26, 2004 the Examiner appears to acknowledge that neither Plischke nor Young disclose a core “being formed from an absorption sheet and a superabsorbent material adhered to an inner surface of the sheet, said sheet consisting essentially of a wet laid paper” in the manner claimed. (See ¶ 2 and 3 of Office Action) Rather, the Examiner states that Plischke is relied upon for teaching “properties of a wetlaid tissue, properties that are desirable in an absorbent core structure.” (¶ 2 of Office Action). However, the portion to which the Examiner refers in Young as providing this teaching, i.e. col. 14, ll. 2-12, is in fact discussing the desirability of using wet-laid material *as the acquisition/distribution layer*. In this regard, the Examiner’s attention is drawn to the beginning of the same paragraph that begins at col. 13, l. 65, which states in relevant part:

**Acquisition/distribution layers** which contain chemically stiffened cellulosic fibers and which are **prepared by wet-laying** provide a number of advantages ... (Emphasis added)

In view of the above, it is respectfully submitted that one skilled in the art would be taught to use a wet-laid material as the *acquisition/distribution layer*, not a core as suggested by the Examiner.

Claims 4, 5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plischke in view Young, and further in view of Hoey et al. USPN 3,403,681 and Schreiber USPN 2,418,907. Applicants respectfully traverse. It is respectfully submitted that Hoey and Schreiber fail to overcome the deficiencies of Plischke and Young discussed above and therefore cannot be combined with Plischke and Young in any manner to thereby render the claimed invention obvious.

Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plischke in view of Young and further in view of Goldman et al. USPN 5,669,894. Applicants respectfully traverse. It is respectfully submitted that Goldman fails to overcome the

Serial No. 09/848,465

deficiencies of Plischke and Young discussed above and therefore cannot be combined with Plischke and Young in any manner to thereby render the claimed invention obvious.

A petition for a one-month extension of time extending the time for response from October 26, 2004 until November 26, 2004 is enclosed herewith. Please charge the petition fee to Deposit Account No. 10-0750/J&J-1735/PJH in the name of Johnson & Johnson.

Serial No. 09/848,465

Reconsideration and allowance of these claims is accordingly respectfully requested.  
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 

Paul J. Higgins  
Attorney for Applicant(s)  
Reg. No. 44,152

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1728  
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Serial No. 09/848,465 Docket No. JTS-1735 By: PJT  
Application of: Prallhof et al. Mailed: November 16, 2004  
Entitled: Assessment for use in a sanitary Absorbent Article and method for manufacturing  
THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

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| <input checked="" type="checkbox"/> Response <u>A After Final Rejection</u> | <input checked="" type="checkbox"/> Notice of Appeal    |
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